

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHANCE JUSTIN WILHELM,

Defendant.

CR 10-24-BU-DWM

ORDER

On September 29, 2022, United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendations with respect to the disposition of the revocation proceedings stemming from the July 20, 2022 petition for revocation of Defendant Chance Justin Wilhelm's supervised release. (Doc. 96.) The petition alleged that the defendant provided urine samples on February 2, March 14, July 13, and July 18, 2022 that tested positive for either marijuana or methamphetamine (Violation No. 1), and on May 23 and 26, 2022 that the defendant failed to report as instructed for mandated therapy sessions (Violation No. 2). (*See Id.*) At the

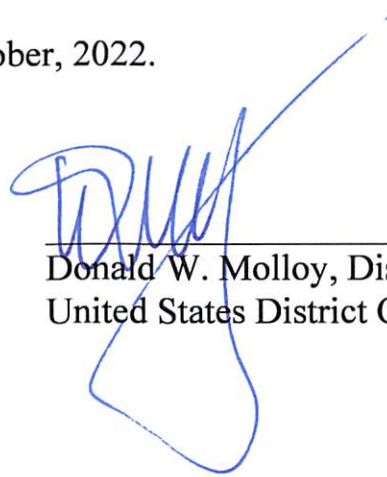
final revocation hearing on September 29, 2022, the defendant admitted all of the violations as alleged in the petition. (*See* Doc. 106 at 3.) Based on the admitted violations, Judge Cavan recommends that supervised release be revoked and that this Court sentence the defendant to 6 months of custody followed by 54 months of supervised release. (*Id.* at 4.) Judge Cavan also recommends that the defendant be incarcerated at FCI Sandstone, where the defendant stated he would have the opportunity to participate in beneficial treatment options. (*Id.* at 6).

Neither party has filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge Cavan's conclusion that the defendant violated the conditions of his release in the manner set forth in the petition, and that the defendant's supervision should be revoked, the Court adopts those findings and recommendations. (*See* Doc. 106.)

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendations, (Doc. 106), is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant's supervised release is  
revoked. Judgment will be entered by separate document.

DATED this 17<sup>th</sup> day of October, 2022.



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Donald W. Molloy, District Judge  
United States District Court